

MTS-520US1

PATENT

2134

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5-2-03  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. Oshima et al. : Art Unit: 2134  
Serial No.: 09/588,364 : Examiner: P. E. Callahan  
Filed: June 2, 2000 :  
For: MARK FORMING APPARATUS,  
METHOD OF FORMING LASER MARK  
ON OPTICAL DISK, REPRODUCING  
APPARATUS, OPTICAL DISK AND  
METHOD OF PRODUCING OPTICAL  
DISK : :

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**SUPPLEMENTAL**  
**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 (RP) submitted herewith. A copy of each of the listed references is also enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

The following Japanese references are not in the English language:

- 1) 58-211343
- 2) 61-248250
- 3) 03-078178
- 4) 03-116441
- 5) 02-056750

References 1) to 5) include English language abstracts and were cited by a foreign patent office in a counterpart foreign application. A copy of the Japanese Office Actions with partial English language translations, indicating the degree of relevance determined by the foreign patent office is submitted herewith. MPEP 609 IIIA(3), second paragraph.

References 4) and 5) have counterpart applications attached.

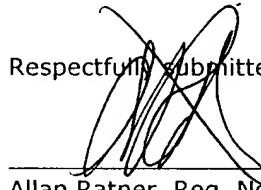
Further Reference 5) has a U.S. counterpart (U.S. Patent No. 4,961,077) listed on the enclosed Form PTO-1449 which is not provided, because it was cited in a PTO 892 dated December 20, 2001.

More than three months have elapsed since the filing of the above-referenced application and/or a first (non-Final) Official Action has been received. No Final Action or Notice of Allowance has yet been received and it is presumed that none has yet been mailed. Accordingly, as more specifically indicated below, a statement as required by 37 C.F.R. § 1.97(c) is provided herewith.

**STATEMENT**

The undersigned hereby states that each item of information disclosed in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

  
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Allan Ratner, Reg. No. 19,717  
Attorney for Applicants

Enclosures: PTO Form 1449  
Copy of (#7) References  
Copy of Japanese Office Actions JP 2002-235948 and JP 2002-235949

Dated: February 18, 2003

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The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

February 18, 2003

